

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

EMBRA BROWN,

Plaintiff,

Case No. 08-11375

v.

Hon. Victoria A. Roberts

**STEVEN DRAKE, Correctional Officer,
MARY COOKE, Grievance Administrator,
UNKNOWN ADMINISTRATIVE
ASSISTANT, HAROLD WHITE, Warden,
SHERRY L. BURT, Warden, and
WILL RILEY, Assistant Deputy Warden,
in their individual capacities,**

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION

On February 12, 2009, Magistrate Judge R. Steven Whalen submitted a Report and Recommendation [Doc. #34] recommending that the Court GRANT Defendants Mary Cooke, Harold White and Will Riley's Motion for Summary Judgment [Doc. #14] and Defendant Sherry L. Burt's Motion for Summary Judgment [Doc. #21]. Because the Court has not received objections from either party within the time frame provided in 28 U.S.C. § 636(B)(1) and E.D. Mich. LR 72.1(d)(3), the Court adopts the Magistrate Judge's Report and Recommendation.

Defendants Mary Cooke, Harold White and Will Riley's Motion for Summary Judgment and Defendant Sherry L. Burt's Motion for Summary Judgment are GRANTED. Counts III, VII, VIII, and IX of the Complaint are dismissed. Counts I, II, IV,

V, and VI remain pending.

IT IS ORDERED.

S/Victoria A. Roberts
Victoria A. Roberts
United States District Judge

Dated: March 10, 2009

The undersigned certifies that a copy of this document was served on the attorneys of record by electronic means or U.S. Mail on March 10, 2009.

s/Carol A. Pinegar
Deputy Clerk